

SHB 1409 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 76.09.240 and 2002 c 121 s 2 are each amended to read
4 as follows:

5 (1) ~~((By December 31, 2005, each county and each city shall adopt~~
6 ~~ordinances or promulgate regulations setting standards for those Class~~
7 ~~IV forest practices regulated by local government. The regulations~~
8 ~~shall: (a) Establish minimum standards for Class IV forest practices;~~
9 ~~(b) set forth necessary administrative provisions; and (c) establish~~
10 ~~procedures for the collection and administration of forest practices~~
11 ~~and recording fees as set forth in this chapter.~~

12 ~~(2) Class IV forest practices regulations shall be administered and~~
13 ~~enforced by the counties and cities that promulgate them.~~

14 ~~(3) The forest practices board shall continue to promulgate~~
15 ~~regulations and the department shall continue to administer and enforce~~
16 ~~the regulations promulgated by the board in each county and each city~~
17 ~~for all forest practices as provided in this chapter until such time~~
18 ~~as, in the opinion of the department, the county or city has~~
19 ~~promulgated forest practices regulations that meet the requirements as~~
20 ~~set forth in this section and that meet or exceed the standards set~~
21 ~~forth by the board in regulations in effect at the time the local~~
22 ~~regulations are adopted. Regulations promulgated by the county or city~~
23 ~~thereafter shall be reviewed in the usual manner set forth for county~~
24 ~~or city rules or ordinances. Amendments to local ordinances must meet~~
25 ~~or exceed the forest practices rules at the time the local ordinances~~
26 ~~are amended.~~

27 ~~(a) Department review of the initial regulations promulgated by a~~
28 ~~county or city shall take place upon written request by the county or~~
29 ~~city. The department, in consultation with the department of ecology,~~
30 ~~may approve or disapprove the regulations in whole or in part.~~

1 ~~(b) Until January 1, 2006, the department shall provide technical~~
2 ~~assistance to all counties or cities that have adopted forest practices~~
3 ~~regulations acceptable to the department and that have assumed~~
4 ~~regulatory authority over all Class IV forest practices within their~~
5 ~~jurisdiction.~~

6 ~~(c) Decisions by the department approving or disapproving the~~
7 ~~initial regulations promulgated by a county or city may be appealed to~~
8 ~~the forest practices appeals board, which has exclusive jurisdiction to~~
9 ~~review the department's approval or disapproval of regulations~~
10 ~~promulgated by counties and cities.~~

11 ~~(4))~~ On or before December 31, 2008:

12 (a) Counties planning under RCW 36.70A.040, and the cities and
13 towns within those counties, where more than a total of twenty-five
14 Class IV forest practices applications, as defined in RCW 76.09.050(1)
15 Class IV (a) through (d), have been filed with the department between
16 January 1, 2003, and December 31, 2005, shall adopt and enforce
17 ordinances or regulations as provided in subsection (2) of this section
18 for the following:

19 (i) Forest practices classified as Class I, II, III, and IV that
20 are within urban growth areas designated under RCW 36.70A.110, except
21 for forest practices on ownerships of contiguous forest land equal to
22 or greater than twenty acres where the forest landowner provides, to
23 the department and the county, a written statement of intent, signed by
24 the forest landowner, not to convert to a use other than growing
25 commercial timber for ten years. This statement must be accompanied by
26 either:

27 (A) A written forest management plan acceptable to the department;
28 or

29 (B) Documentation that the land is enrolled as forest land of long-
30 term commercial significance under the provisions of chapter 84.33 RCW;
31 and

32 (ii) Forest practices classified as Class IV, outside urban growth
33 areas designated under RCW 36.70A.110, involving either timber harvest
34 or road construction, or both on:

35 (A) Lands platted after January 1, 1960, as provided in chapter
36 58.17 RCW;

37 (B) Lands that have or are being converted to another use; or

1 (C) Lands which, under RCW 76.09.070, are not to be reforested
2 because of the likelihood of future conversion to urban development;

3 (b) Counties planning under RCW 36.70A.040, and the cities and
4 towns within those counties, not included in (a) of this subsection,
5 may adopt and enforce ordinances or regulations as provided in (a) of
6 this subsection; and

7 (c) Counties not planning under RCW 36.70A.040, and the cities and
8 towns within those counties, may adopt and enforce ordinances or
9 regulations as provided in subsection (2) of this section for forest
10 practices classified as Class IV involving either timber harvest or
11 road construction, or both on:

12 (i) Lands platted after January 1, 1960, as provided in chapter
13 58.17 RCW;

14 (ii) Lands that have or are being converted to another use; or

15 (iii) Lands which, under RCW 76.09.070, are not to be reforested
16 because of the likelihood of future conversion to urban development.

17 (2) Before a county, city, or town may regulate forest practices
18 under subsection (1) of this section, it shall ensure that its critical
19 areas and development regulations are in compliance with RCW 36.70A.130
20 and, if applicable, RCW 36.70A.215. The county, city, or town shall
21 notify the department and the department of ecology in writing sixty
22 days prior to adoption of the development regulations required in this
23 section. The transfer of jurisdiction shall not occur until the
24 county, city, or town has notified the department, the department of
25 revenue, and the department of ecology in writing of the effective date
26 of the regulations. Ordinances and regulations adopted under
27 subsection (1) of this section and this subsection must be consistent
28 with or supplement development regulations that protect critical areas
29 pursuant to RCW 36.70A.060, and shall at a minimum include:

30 (a) Provisions that require appropriate approvals for all phases of
31 the conversion of forest lands, including land clearing and grading;
32 and

33 (b) Procedures for the collection and administration of permit and
34 recording fees.

35 (3) Activities regulated by counties, cities, or towns as provided
36 in subsections (1) and (2) of this section shall be administered and
37 enforced by those counties, cities, or towns. The department shall not
38 regulate these activities under this chapter.

1 (4) The board shall continue to adopt rules and the department
2 shall continue to administer and enforce those rules in each county,
3 city, or town for all forest practices as provided in this chapter
4 until such a time as the county, city, or town has updated its
5 development regulations as required by RCW 36.70A.130 and, if
6 applicable, RCW 36.70A.215, and has adopted ordinances or regulations
7 under subsections (1) and (2) of this section. However, counties,
8 cities, and towns that have adopted ordinances or regulations regarding
9 forest practices prior to the effective date of this section are not
10 required to readopt their ordinances or regulations in order to satisfy
11 the requirements of this section.

12 (5) Upon request, the department shall provide technical assistance
13 to all counties, cities, and towns while they are in the process of
14 adopting the regulations required by this section, and after the
15 regulations become effective.

16 (6) For those forest practices over which the board and the
17 department maintain regulatory authority no county, city, municipality,
18 or other local or regional governmental entity shall adopt or enforce
19 any law, ordinance, or regulation pertaining to forest practices,
20 except that to the extent otherwise permitted by law, such entities may
21 exercise any:

22 (a) Land use planning or zoning authority: PROVIDED, That exercise
23 of such authority may regulate forest practices only: (i) Where the
24 application submitted under RCW 76.09.060 as now or hereafter amended
25 indicates that the lands have been or will be converted to a use other
26 than commercial forest product production; or (ii) on lands which have
27 been platted after January 1, 1960, as provided in chapter 58.17 RCW:
28 PROVIDED, That no permit system solely for forest practices shall be
29 allowed; that any additional or more stringent regulations shall not be
30 inconsistent with the forest practices regulations enacted under this
31 chapter; and such local regulations shall not unreasonably prevent
32 timber harvesting;

33 (b) Taxing powers;

34 (c) Regulatory authority with respect to public health; and

35 (d) Authority granted by chapter 90.58 RCW, the "Shoreline
36 Management Act of 1971".

37 (7) To improve the administration of the forest excise tax created
38 in chapter 84.33 RCW, a county, city, or town that regulates forest

1 practices under this section shall report permit information to the
2 department of revenue for all approved forest practices permits. The
3 permit information shall be reported to the department of revenue no
4 later than sixty days after the date the permit was approved and shall
5 be in a form and manner agreed to by the county, city, or town and the
6 department of revenue. Permit information includes the landowner's
7 legal name, address, telephone number, and parcel number.

8 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
9 to read as follows:

10 (1) Each county, city, and town assuming regulation of forest
11 practices as provided in RCW 76.09.240 (1) and (2) shall adopt
12 development regulations that:

13 (a) Protect public resources, as defined in RCW 76.09.020, from
14 material damage or the potential for material damage;

15 (b) Require appropriate approvals for all phases of the conversion
16 of forest lands, including clearing and grading;

17 (c) Are guided by the planning goals in RCW 36.70A.020 and by the
18 purposes and policies of the forest practices act as set forth in RCW
19 76.09.010; and

20 (d) Are consistent with or supplement development regulations that
21 protect critical areas pursuant to RCW 36.70A.060.

22 (2) If necessary, each county, city, or town that assumes
23 regulation of forest practices under RCW 76.09.240 shall amend its
24 comprehensive plan to ensure consistency between its comprehensive plan
25 and development regulations.

26 (3) Before a county, city, or town may regulate forest practices
27 under RCW 76.09.240 (1) and (2), it shall update its development
28 regulations as required by RCW 36.70A.130 and, if applicable, RCW
29 36.70A.215. Forest practices regulations adopted under RCW 76.09.240
30 (1) and (2) may be adopted as part of the legislative action taken
31 under RCW 36.70A.130 or 36.70A.215."

SHB 1409 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/10/2007

1 On page 1, line 2 of the title, after "governments;" strike the
2 remainder of the title and insert "amending RCW 76.09.240; and adding
3 a new section to chapter 36.70A RCW."

EFFECT: Specifies that local conversion related forest practices regulations must be consistent with or supplement local critical areas ordinances.

--- END ---